IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 16566 of 2004

Between:

Y.Jeevaratnam, S/o Y.Amasaiah,
P.H.C., S.R.Puram Mandal, Chittoor District

..... PETITIONER

AND

1 Regional Director of Medical & Health Services, Cuddapah District
2 The Director of Medical & Health Services, Hyderabad
3 State of A.P. rep.by its Prl.Secretary to Government, Health, Medical and

Family Welfare Department, Secretariat, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ or Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in not considering the Representation, dated 23-6-2004 of the petitioner for his transfer to Chittoor D.M & H.O.Office as per the G.O.Ms.No.767, dated 21-08-2002 is illegal, arbitrary and violative of Article 14 and 16 of the constitution of India and consequently direct the respondents to consider the case of the petitioner for his transfer to D.M. & H.O.Office, Chittoor and pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.J.M.NAIDU

Counsel for the Respondent No.: GP FOR SERVICES I

The Court at the admission stage made the following:

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.16566 OF 2004

ORDER: **(PER THE HON'BLE SRI JUSTICE J.CHELAMESWAR)**

The unsuccessful applicant in O.A.No.5021 of 2004 on the file of the Andhra Pradesh Administrative Tribunal (for short 'the Tribunal) is the petitioner herein.

The case of the petitioner is that he has been working as Senior Assistant at S.R.Puram Mandal Primary Health Center since 02.06.1998 i.e., for a period of more than five years and that his wife is suffering from 'Lumbar Dise Prolapse' and advised to a surgery, which could be undertaken at S.V.R.R. Government General Hospital, Tirupathi.

In the background of the above mentioned problem, it appears that the petitioner made a representation to the first respondent on 23.06.2004 to consider his case for transfer in the vacancy at Chittoor in the office of the District Medical and Health Officer, which arose due to promotion of the incumbent one Mr.B.Prakash. Complaining that his representation was not considered, the petitioner filed the above-mentioned O.A., which was dismissed as not maintainable.

We do not propose to go into the merits of the decision of the Tribunal, more particularly in the light of Clause-2(vi) of G.O.Ms.No.767, Finance (W&M) Department, dated 21-08-2002. In the background of the above mentioned facts, we deem it appropriate that the ends of justice would meet by directing

the first respondent to consider the representation made by the petitioner and take appropriate decision within a period of three weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly at the stage of admission. No order as to costs.

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J.CHELAMESWAR, J

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GODA RAGHURAM, J

Dated 23rd September, 2004.

YCR/MRK

To

1 The Regional Director of Medical & Health Services, Cuddapah

District.

2 The Director of Medical & Health Services, Hyderabad.

3 The Prl. Secretary to Government, State of A.P., Health, Medical

and Family Welfare Department, Secretariat, Hyderabad.

4. 2 CCs to G.P. for Services I, High Court Buildings, Hyderabad.(OUT)

5. 2 C.D. copies.